



The Commonwealth of Massachusetts

Office of Campaign & Political Finance

One Ashburton Place, Boston 02108

727-8352

Dennis J. Duffin
Director

June 14, 1985

AO-1985-08

Mr. James J. Craven, Jr.
9 Saint John Street
Jamaica Plain, MA 02130

Dear Mr. Craven:

I am writing in response to your recent request for an advisory opinion as to whether the political committee organized on your behalf may hold a political fundraiser, in light of your employment with the Massachusetts Department of Revenue.

As an employee of the Department of Revenue, you are a person "employed for compensation" by the Commonwealth and are therefore subject to certain restrictions on your political activity as provided in Section 13 of Chapter 55 of the Massachusetts General Laws. This section prohibits you from directly or indirectly soliciting or receiving any gift, payment, contribution, assessment, subscription or promise of money or other thing of value for your political committee, or for any political purpose whatsoever. This prohibition is also applicable to any other public employee, other than an elected official, who may wish to engage in political activity in your behalf, or for any other political purpose.

This section, however, would permit the James J. Craven, Jr. Campaign Committee to plan a political fundraiser, as well as solicit and receive funds, on your behalf. However, Section 13 clearly provides that "no such gift, payment, contribution, assessment, subscription or promise of money or other thing of value may be solicited or received on behalf of such a person from any person or combination of persons if such person so employed knows or has reason to know that the person or combination of persons has an interest in any particular matter in which the person so employed participated or has participated in the course of such employment or which is the subject of his official responsibility."

You should also be advised of other provisions of the campaign finance law which may be relevant. Section 16 of Chapter 55 provides that, "No person in the public service shall, for that reason, be under obligation to contribute to any political fund, or to render any political service, and shall not be removed or otherwise prejudiced for refusing to do so."

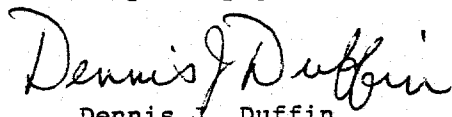
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Section 17 of Chapter 55 provides that "No officer or employee of the commonwealth or of any county, city or town shall discharge, promote or degrade an officer or employee, or change his official rank or compensation, or promise or threaten so to do, for giving, withholding or neglecting to make a contribution of money or other valuable thing for a political purpose."

In conclusion, the James J. Craven, Jr. Campaign Committee may hold a fundraiser, subject to all the restrictions set forth above. Furthermore, the receipts of contributions, as well as expenditures, relative to this fundraiser must comply with all relevant provisions of the campaign finance law.

I strongly suggest that you contact the State Ethics Commission, as this contemplated activity may likely raise questions under G.L. c. 268A.

Very truly yours,


Dennis J. Duffin
Director

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